### AREA PLAN COMMISSION OF TIPPECANOE COUNTY MINUTES OF A PUBLIC HEARING

MEMBERS PRESENT

Gary Schroeder
Dave Williams
KD Benson
Kathy Vernon
Kevin Klinker
Dr. Carl Griffin
Tom Murtaugh
Mike Smith
Tim Shriner
Mark Hermodson
Vicki Pearl

MEMBERS ABSENT

Lynda Phebus John Knochel Steve Egly John Swick **STAFF PRESENT** 

Sallie Fahey Don Lamb Doug Poad Jay Seeger, Atty. Bianca Bullock

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 19<sup>th</sup> of January, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

Jay Seeger, Attorney, called the meeting to order.

### I. ELECTION OF OFFICERS

Jay Seeger asked for nominations for President.

KD Benson nominated Gary Schroeder for President. Carl Griffin seconded.

KD Benson moved that nominations for President be closed. Carl Griffin seconded and the motion carried by voice vote.

Kevin Klinker moved to cast a unanimous ballot for Gary Schroeder for President. Carl Griffin seconded and the motion carried by voice vote.

Gary Schroeder took office and was seated as President.

Gary Schroeder requested nominations for the office of Vice President.

KD Benson nominated Dave Williams for Vice President. Carl Griffin seconded.

Kevin Klinker moved that nominations for Vice President be closed. Carl Griffin seconded and the motion carried by voice vote.

Kevin Klinker moved to cast a unanimous ballot for Dave Williams for Vice President. Carl Griffin seconded and the motion carried by voice vote.

<u>Dave Williams moved that KD Benson and Gary Schroeder be nominated to represent Tippecanoe</u>
<u>County on the Executive Committee. Vicki Pearl seconded and the motion carried by voice vote.</u>

<u>Carl Griffin moved that Dave Williams and Mike Smith be nominated to represent the City of Lafayette on the Executive Committee. KD Benson seconded and the motion carried by voice vote.</u>

KD Benson moved that Carl Griffin and William Palmer be nominated to represent the City of West Lafayette on the Executive Committee. Kevin Klinker seconded and the motion carried by voice vote.

KD Benson moved that Steve Egly be nominated to represent the towns of Dayton, Battle Ground and Clarks Hill on the Executive Committee. Carl Griffin seconded and the motion carried by voice vote.

KD Benson moved that nominations for Executive Committee be closed. Carl Griffin seconded and the motion carried by voice vote.

KD Benson moved to cast a unanimous ballot for KD Benson, Gary Schroeder, Dave Williams, Mike Smith, Carl Griffin, Steve Egly and William Palmer for the Executive Committee. Carl Griffin seconded and the motion carried by voice vote.

Gary Schroeder appointed Dave Williams and Tim Shriner to the Lafayette Board of Zoning Appeals.

Mark Hermodson nominated William Palmer to represent the City of West Lafayette and Vicki Pearl be nominated to represent Tippecanoe County. KD Benson seconded.

KD Benson moved that the nominations for the Area Board of Zoning Appeals be closed. Mark Hermodson seconded and the motion carried by voice vote.

KD Benson moved to cast a unanimous ballot for William Palmer and Vicki Pearl for the Area Board of Zoning Appeals. Carl Griffin seconded and the motion carried by voice vote.

#### II. BRIEFING SESSION

Sallie Fahey introduced three new Commission members, Tom Murtaugh, representing the County Council, Tim Shriner, a citizen appointee from Lafayette, and William J. Palmer as an appointee from West Lafayette. She also mentioned there is a new representative from the Dayton Town Council who she understands is John Swick who will take over following the January meeting. She and Mark Hermodson presented certificates to Jeff Kessler and Steve Schreckengast for exemplary service to the Area Plan Commission. She and KD Benson presented Mark Hermodson with a certificate of commendation for 21 years of service on the Area Plan Commission to Mark Hermodson.

Mark Hermodson said that the Area Plan Commission is an important board for the community. He expressed gratitude to Sonya Marjerum and Jan Mills for their confidence in him by keeping him appointed to the Commission. He stated that he has seen tremendous growth in the community in the past two decades and attributed it to developers and the Commission being careful about planning.

Sallie Fahey again thanked Mark Hermodson for his service to the Commission and his leadership to the planning community. She stated that there are several continuances on the agenda, the following to the February 16, 2005 Area Plan Commission public hearing: RESOLUTION T-05-01: AN AMENDMENT TO THE TRANSPORTATION PLAN FOR 2025, Z-2222- BETSY BERLINGER & GUSTAVO RODRIGUEZ-RIVERA (R1 TO A) needs to be continued at their request, both S-3622 – POLO FIELDS SUBDIVISION (Major-Preliminary) and S-3628 – HICKORY RIDGE SUBDIVISION (Major-Preliminary) should be continued for filing deficiencies, and RESOLUTION PD 04-29 – RENAISSANCE PLACE PLANNED DEVELOPMENT (Z-2143) should be continued to the March 16, 2005 Area Plan Commission public hearing.

#### III. APPROVAL OF MINUTES

Mark Hermodson moved to approve the minutes of the December 15, 2004 meeting as submitted. Carl Griffin seconded and the motion carried by voice vote.

#### IV. **NEW BUSINESS**

Mark Hermodson moved to continue RESOLUTION T-05-01: AN AMENDMENT TO THE TRANSPORTATION PLAN FOR 2025, Z-2222 BETSY BERLINGER & GUSTAVO RODRIGUEZ-RIVERA, S-3622 - POLO FIELDS SUBDIVISION (Major-Preliminary) and S-3628 - HICKORY RIDGE SUBDIVISION (Major-Preliminary) to the February 16, 2005 Area Plan Commission public hearing and RESOLUTION PD 04-29 - RENAISSANCE PLACE PLANNED DEVELOPMENT (Z-2143) to the March 16, 2005 Area Plan Commission public hearing. Carl Griffin seconded and the motion carried by voice vote.

#### A. FINAL DETAILED PLANS

### 1. RESOLUTION PD 05-04 HILLTOP PLANNED DEVELOPMENT (Z-2193):

Final Detailed Plans, consisting of both Construction Plans and Final Plat, for a 1-lot commercial development, housing two business: Dahnke Overhead Doors and Dahnke Building Services. Future phases will allow uses permitted in the NB district with the exception of a gasoline service station. The site is located on Sagamore Parkway West, west of Soldiers Home Road, on a portion of the former University Motors site in West Lafayette, Wabash 7 (NE) 23-4.

Mark Hermodson moved to hear and approve the above-described request. Carl Griffin seconded.

Sallie Fahey presented slides of aerial photos, the zoning map, and site plan. She highlighted the staff report with recommendation of approval.

Paul Couts, 1719 Monon Avenue, Lafayette, IN, concurred with the staff report and requested approval.

The Commission voted by ballot 11 yes – 0 no to approve **RESOLUTION PD 05-04 – HILLTOP** PLANNED DEVELOPMENT (Z-2193).

#### **PUBLIC HEARING**

Mark Hermodson moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. Carl Griffin seconded and the motion carried by voice vote.

Gary Schroeder read the meeting procedures.

### A. ORDINANCE AMENDMENTS

#### 1. UZO AMENDMENT #47:

An omnibus amendment revising seven sections of the ordinance regarding: dumpster enclosures, mulch containment, bufferyards, porches, rural home occupations of contractors of heavy construction, the waiving of sign permit fees in select instances, and miscellaneous corrections to Appendix B.

Mark Hermodson moved to hear and vote-on the above described request. Carl Griffin seconded.

Sallie Fahey presented information regarding the development of the omnibus amendment. She reviewed each of the seven sections of the amendment and highlighted the staff report with recommendation of approval. She pointed out a correction that needed to be made to the staff report and proposed amendment

Carl Griffin asked for clarification as to the location of the mistake.

Sallie Fahey said that the mistake was made in Paragraph "A".

Mark Hermodson moved to amend Paragraph A, Section 6 to read "the filing fee in 6-2-6 (a) and 6-2-6 (c) also applies to permit application for rural outdoor signs except that there shall be no filing fee for a political subdivision or for a not-for-profit agency primarily engaged in offering emergency services to the public." Carl Griffin seconded and the motion carried by voice vote.

Carl Griffin asked what the differences are among SIC 15, 16 and 17.

Sallie Fahey explained that SIC 16 encompasses heavy construction, 15 and 17 are general building contractors and specialty contractors, like electricians or plumbers.

KD Benson asked Dave Buck if he was comfortable with this proposed amendment.

<u>Dave Buck, West Lafayette City Engineer, 609 W. Navajo Street, West Lafayette, IN,</u> answered affirmatively.

Tim Shriner asked for a definition of a political subdivision.

Jay Seeger clarified that under Indiana law, a political subdivision is a school corporation, city, township or government entity that has a defined jurisdiction area.

KD Benson asked if a sewer district is considered a political subdivision.

Jay Seeger said yes. He also stated that a public library and fire protection district are political subdivisions, but a fire department is not.

The Commission voted by ballot 11 yes to 0 no to approve UZO AMENDMENT #47.

Sallie Fahey explained that this vote will be certified to the six legislative bodies of APC's member governments for final hearing. She said that the change is in effect upon adoption by each jurisdiction, but the Ordinance will change once the office receives certifications from all the jurisdictions.

#### **B. REZONING ACTIVITIES**

#### 1. **Z-2223 – STEVEN M. FIRESTONE (I3 TO GB)**:

Petitioner is requesting rezoning of two tracts of land totaling 0.4 acres on the south side of McCarty Lane located on the triangle between Main Street and US 52, more specifically 3315 McCarty Lane, Lafayette, Fairfield 34 (NE) 23-4.

Mark Hermodson moved to hear and vote-on the above-described request. Carl Griffin seconded.

Sallie Fahey presented slides of the zoning map and aerial photos. She summarized the staff report with recommendation of approval.

<u>Steven M. Firestone, 921 Logan Avenue, Lafayette, IN,</u> concurred with the staff report and requested approval.

Mark Hermodson asked if the McCord's Tire business on the corner of McCarty Lane and US 52 needs to be zoned I3.

Sallie Fahey responded that there is no reason for that property to be zoned I3; their use complies with current zoning.

The Commission voted by ballot 11 yes – 0 no to approve **Z-2223 – STEVEN M. FIRESTONE (I3 to GB)**.

# 2. Z-2224 – FRED M. KUIPERS & ANDREA K. KUIPERS (Meadowgate Rural Estate) (A to RE):

Petitioners are requesting rezoning of 22.97 acres for a proposed rural estate development known as Meadowgate Estates, Section 2 located at 1310 E. CR 500 N, Tippecanoe 28 (SW) 24-

Mark Hermodson moved to hear and vote-on the above-described request. Carl Griffin seconded.

Sallie Fahey presented slides of the zoning map, aerial photos and sketch plan. She highlighted the staff report with recommendation of approval.

Paul Couts concurred with the staff report and requested approval. He also mentioned that the field lines have been physically located and are all accurate.

Sallie Fahey added the following letter in opposition to the record: <u>Gary D. Brown, 894 E 500 N, Lafayette, IN.</u>

Carl Griffin asked what the County Commissioners' opinion might be in regard to improving CR 500 N.

KD Benson said that there are no immediate plans to improve 500 N. She said that improvement is reactive.

Carl Griffin asked if the situation is getting close to needing improvement.

Paul Couts said that Mark Albers is aware of the situation. He said his impression was that the county has intentions to improve the road, but is unsure of when.

Carl Griffin asked if improvements to CR 500 are included in the Transportation Plan.

Sallie Fahey answered that CR 500 N is a secondary arterial. She said developers of land give up right-of-way to improve the road to the standard. She further explained that unless the development has every lot gaining access from 500 N, the developer does not have to make the improvement to the road, just dedicate the right-of-way. She added that road improvements do not precede demand, but rather follow it.

The Commission voted by ballot 11 yes – 0 no to approve **Z-2224 – FRED M. KUIPERS & ANDREA K. KUIPERS (Meadowgate Rural Estate) (A to RE).** 

## VI. CITIZEN COMMENTS AND GRIEVANCES None

### VII. ADMINISTRATIVE MATTERS None

#### VIII. APPROVAL OF THE FEBRUARY EXECUTIVE COMMITTEE AGENDA

Mark Hermodson moved to place the following subdivisions, placement thereon without reference to compliance or non-compliance with the Unified Subdivision Ordinance on the February 2, 2004 Executive Committee Agenda:

S-3630 - BERNINGER SUBDIVISION (Minor-Sketch)

Carl Griffin seconded and the motion carried by voice vote.

### IX. DETERMINATION OF VARIANCES – Area Board of Zoning Appeals

There are no new variances filed for the January ABZA meeting.

#### X. DIRECTOR'S REPORT

Sallie Fahey highlighted the written director's report. She stated that income to the County General Fund exceeded our projections. She said that the bulk of new single-family homes are in unincorporated Tippecanoe County. She explained that the Land Use Survey and corresponding database are completed. She added that staff is very confident in the validity of the data and the uses to which we will put it. She said as soon as the flooding recedes, the All-Hazard Mitigation Plan will be underway. She also pointed out that the \$30,000 for consultant fees has been encumbered to the 2005 budget. She said the next step after the floodwaters go down is the job of assessing building damage and whether or not the amount of damage meets the buy-out criteria. She explained that the two assistant directors position descriptions have been written and reviewed by the Budget & Personnel Committee. She also reminded the Commission members that there is an Ordinance Committee meeting January 20, 2005 to discuss the planned development process.

Carl Griffin asked if the Ordinance Committee members are still the same.

Sallie Fahey said that they are the same until Gary Schroeder makes his appointments and to take any action at Ordinance Committee, a quorum of four is required.

Jay Seeger added that every member of the Area Plan Commission is a de facto member of the Ordinance Committee.

KD Benson expressed her thanks to Mark Hermodson for his service to the Area Plan Commission.

#### XI. ADJOURNMENT

Mark Hermodson moved for adjournment. Mike Smith seconded and the motion carried by voice vote.

The meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Bjanca Bullock

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**Recording Secretary** 

Reviewed By,

Sallie Fahey